



Guidance on Complying with the Rideshare Regulation

Massachusetts Department of Environmental Protection

The Massachusetts Department of Environmental Protection (MassDEP) implements the Massachusetts Rideshare Regulation (310 CMR 7.16). Please read this guidance to determine if the Massachusetts Rideshare Regulation is applicable to your facility and to learn how to comply with the regulation. If you are uncertain as to whether your facility has ever submitted a Rideshare Program report to MassDEP, contact your human resources or environmental department. You may also contact the Massachusetts Rideshare Program at (617) 292-5663 for this information.

1. What is the Massachusetts Rideshare Regulation?

The Massachusetts Rideshare Regulation¹ is a statewide air quality regulation that requires employers of a certain size to implement trip reduction incentives that are designed to reduce the number of *applicable commuter* drive-alone trips to an employment site by 25%. (See page 2 of this document for a definition of *applicable commuter*.)

As an air quality regulation, the Massachusetts Rideshare Regulation is part of the Commonwealth's plan to reduce air pollution and to achieve and maintain health-based federal air quality standards. Like many other air pollution control programs, such as controls on smoke stacks and inspection and maintenance of motor vehicles, the Massachusetts Rideshare Regulation is designed to reduce emissions of carbon monoxide (CO) and ozone precursors, which are involved in the formation of ozone, or smog.

Ozone precursors, which include volatile organic compounds (VOCs) and nitrogen oxides (NOx), react in the presence of sunlight to form ground-level ozone or smog. Automobiles produce over 40% of VOCs and NOx and 80% of CO emissions in Massachusetts.

Many employers have found that implementing trip reduction incentives can be good for business by reducing the need for parking, increasing morale and creating good public relations by reducing air pollution.

2. Who is subject to the regulation? Who must comply now?

To date, MassDEP has phased three groups of employers into the Rideshare Program: 1) facilities with 1,000 or more applicable commuters; 2) educational facilities with 1,000 or more applicable commuters combined; and, 3) non-educational facilities with 250 or more applicable commuters that are also subject to the Massachusetts Air Operating Permit Program (310 CMR 7.00, Appendix C)². If your facility falls into one of these three categories, see Question 4 of this guidance document for instructions on how to comply with the Massachusetts Rideshare Regulation. If your facility does not fall into one of these three categories, please complete sections A, B, and I of the *2005 Rideshare Program Base Report (first time filers only)* or *2005 Rideshare Program Update Report* and submit it to MassDEP. Your facility may also complete the entire form and submit it to MassDEP.

¹ The formal name of the regulation is "Reduction of Single Occupant Commuter Vehicle Use."

² The Massachusetts Air Operating Permit Program requires employers that receive an emissions permit to certify compliance with all other air quality regulations, including the Rideshare regulation.

3. How do I determine if my facility is subject to the Rideshare regulation?

To determine whether the Massachusetts Rideshare Regulation is applicable to your facility, you must count all the *applicable commuters* at your facility. Applicable commuters refer to *applicable employees* at your facility. For educational facilities, applicable commuters refers to both *applicable employees* and *applicable students* at your facility.

*Applicable employees*¹:

- ◆ work at least 17 hours per week for 20 or more weeks per year;
- ◆ are scheduled to begin and complete their work day between 6 a.m. and 8 p.m.; and,
- ◆ use their vehicle during work hours for work purposes less than five times a month.

Applicable students:

- ◆ are full-time commuting students;
- ◆ are scheduled to begin and complete their classes between 6 a.m. and 8 p.m.; and,
- ◆ use their vehicle for school purposes or other related matters less than five times a month.

Employers that have two or more buildings located within walking distance of each other or within a one mile radius must count all applicable commuters at these locations.

4. What does my facility have to do to comply with the Rideshare regulation?

If MassDEP has phased your facility into the Massachusetts Rideshare Regulation, you must:

- ◆ Determine how your applicable commuters commute to the facility;
- ◆ Establish a 25% goal to reduce drive-alone commute trips;
- ◆ Implement, publicize, and maintain specific drive-alone trip reduction incentives (see page 4 of this document for details);
- ◆ Submit a *Rideshare Program Base Report and Summary of Commute Data Form*, when filing for the first time. All other facilities submit a *Rideshare Program Update Report*, and *Summary of Commute Data Form*; and,
- ◆ Keep all records pertaining to your compliance with the Massachusetts Rideshare Regulation, including commute data and Rideshare Program reporting forms, at the facility for at least three years.

Anecdotal evidence from employers, as well as data from MassDEP, suggests that **one of the most important actions your facility can take** to establish or continue compliance with the Massachusetts Rideshare Regulation is to **designate a Rideshare Program coordinator**.

MassDEP will not penalize your facility if you implement a commuter options program but fail to reach the 25% drive-alone trip reduction goal.

¹ In some circumstances, contractors that meet these criteria may also be considered applicable commuters.

5. How do I identify the commute modes taken by my facility's commuters?

Although the Massachusetts Rideshare Regulation requires your facility to collect commute trip data on your applicable commuters, the regulation does not specify how you should collect the data. The Rideshare Program thus offers your facility three methods to obtain data on the commute modes taken by your facility's commuters:

- ◆ **Census Survey Method.** In this method, your facility surveys *all* its applicable commuters to collect commute trip data.
- ◆ **Random Sample Survey Method.** In this method, your facility surveys a limited number of applicable commuters that are randomly selected to represent all the applicable commuters at your facility. Once the data from this sample is collected, your facility extrapolates the commute data from the sample to all the applicable population. This method allows you to survey a significantly smaller number of commuters than you would be required to do with the census survey.
- ◆ **Direct Count Method.** In this method, your facility collects commute trip data by observation and analysis, such as counting the number of vehicles entering a parking lot(s), and collecting data for all other commute modes. MassDEP recommends that only employers with comprehensive records that allow for tracking commute modes each day use this method.

For each method, your facility must collect commute trip data for every day of the commute data collection week, i.e., the number of days per week that the majority of commuters work at your facility (a five-day period for many employers).

See the *Guidance on Collecting Commute Data* to help choose the best method for your facility and for ways to implement the various methods and achieve the best data collection results.

6. What if my facility cannot collect commute data on all its commuters?

It is important to obtain data from *all* your applicable commuters in order to establish your 25% drive-alone trip reduction goal. If your facility uses the Direct Count and Census Survey methods and achieves less than a 50% response rate or uses the Random Sample Survey method and achieves less than a 90% response rate, you must follow up on applicable commuter non-respondents. Comprehensive and accurate data on all your applicable population will help your facility determine whether it is making progress in achieving trip reductions from year to year.

Depending on your data collection method and response rate, your facility must account for those applicable commuters for whom you do not have any commute data ("non-respondents"). As a result of discussions with several employer representatives, MassDEP has developed a number of options for employers to use to address non-respondents, as shown in the following table:

If your facility used the ...	And you obtained commute data from...		You count non-responders by using...
Census Survey or Direct Count Method	$\geq 90\%$ of your applicable commuters		Summary of Commute Data (SCD) Form 1. Using this form, no action is taken with non-responders.
	$\geq 75\%$ but $< 90\%$ of your applicable commuters		SCD Form 2. This form calculates non-responders as commuting in the same proportion of modes as responding applicable commuters.
	≥ 50 but $< 75\%$ of your applicable commuters <u>and</u>	1. your facility opts to implement one additional trip reduction incentive in addition to the incentives already implemented,	SCD Form 2. This form calculates non-responders as commuting in the same proportion of modes as responding applicable commuters.
		2. your facility opts NOT to implement an additional trip reduction incentive	SCD Form 3. This form calculates non-responders as drive-alone trip commuters.
Random Sample Survey Method	All the applicable commuters in your sample		SCD Form 1. Using this form, no action is taken with non-responders.
	$\geq 90\%$ of the applicable commuters		SCD Form 4. This form calculates non-responders as drive-alone trip commuters.

For the Census Survey and Direct Count Methods, if your facility achieves between a 50% and 75% response rate and opts to implement an additional trip reduction incentive you must implement *an incentive that is in addition to the incentives that you have already implemented*. Your facility may only choose options from the *List of Additional Trip Reduction Incentives* in the Rideshare Program Package. The benefit of implementing an additional incentive is that you can count your non-respondents as commuting in the same way as the responding commuters.

7. What trip reduction incentives is my facility required to offer?

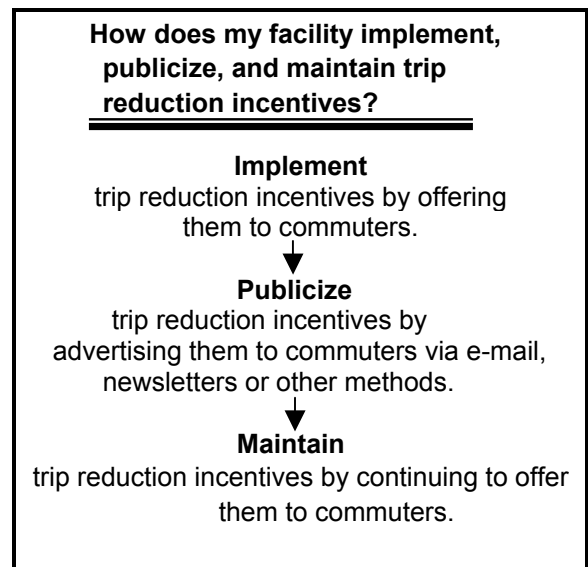
All drive-alone commute trip (DACT) reduction incentives must be implemented, publicized and maintained throughout the year in order for your facility to meet the Massachusetts Rideshare Program annual reporting requirement. Section 1 of the Massachusetts Rideshare Regulation requires your facility to implement, publicize, and maintain the following DACT incentives:

- ◆ **Conduct carpool matching.** Your facility may match its own commuters by arranging a designated coordinator to actively match interested commuters or utilize carpool-matching services. Your facility may develop carpooling programs with neighboring employers as well. For information on carpool matching assistance, contact MassRIDES at 1-888-4COMMUTE.
- ◆ **Set aside preferential parking spaces** for carpools and vanpools if your facility must offer a vanpool program (see “Conduct vanpool matching” in this document for details). Preferential parking spaces are spaces located closest to the building entrances.

- ◆ **Establish bicycle incentives** to increase the number of commuters who bicycle to work. These incentives include providing bicycle racks or a secure locking facility for the storage of bicycles. Other optional incentives could include lockers, showers and changing rooms for commuters, and promotional events such as providing bicycles or offering “bike to work” days.

If your facility is located within one mile of public transit services you must also offer the following additional incentives:

- ◆ **Provide commuters with the opportunity to purchase transit passes at the employment facility.** Contact the Massachusetts Bay Transit Authority (MBTA) or your local Regional Transit Authority to arrange to provide the transit passes on site. Your facility may, but is not required to, subsidize transit passes, for which it can obtain a tax break. For information on an on-site transit pass program, contact MassRIDES at 1-888-4COMMUTE.
- ◆ **Post the schedules, rates and routes** of all private and public bus services to the facility in a public area easily accessible to commuters.
- ◆ **Contact the MBTA, Regional Transit Authority or private and public bus carriers at least once a year** to negotiate improvements in bus service and bus routes. Publicize this incentive by routinely asking commuters for their feedback on how public transit can be improved.



If your facility employs 1,000 or more commuters you are also required to:

- ◆ **Conduct vanpool matching.** Vanpools transport commuters from their homes or other meeting locations to places of employment. Please note that shuttle service to your facility from public transit locations are not considered vanpools. For information on vanpool matching assistance, contact MassRIDES at 1-888-4COMMUTE.

8. Can my facility get credit for trip reductions it achieved prior to filing its Base Report with the Rideshare Program?

For facilities filing a Base Report, the formula for setting your facility’s 25% drive-alone trip reduction goal allows you to obtain credit for drive-alone trip reductions that were achieved prior to your facility’s Base Report (Base Report, Section G) if your facility can document changes in applicable commuter commuting patterns. If your facility does not have records to document pre-base year drive-alone trip reductions and would like to obtain credit, please contact the Rideshare Program for more details.

9. I've done the survey and implemented the incentives. Which form do I fill out?

Enclosed in your Rideshare Program Package is the *2005 Rideshare Program Base Report* and the *2005 Rideshare Program Update Report*. If your facility is a:

- ◆ **First-time filer**, submit the ***2005 Rideshare Program Base Report*** to MassDEP.
- ◆ **Annual filer** and has already filed a Base Report, submit the ***2005 Rideshare Program Update Report*** to MassDEP.

Depending on the number of applicable commuters your facility employs and whether your site is also subject to the Operating Permit Program, you must complete either all or part of the report that applies to your facility. See Part B on your report for details.

If you are submitting reports for several facilities that are not within a mile or walking distance of each other, please submit a separate report for each facility. If you have a substantial amount of documentation that is common to all the facilities you can reference one central document.

Who must sign the reports?

The Massachusetts Rideshare Regulation requires the *responsible official* at the facility to sign the Base and Update Reports. This official is responsible for compliance with the regulation and must be at one of the following levels or higher:

- ◆ the principal executive officer of at least the level of vice president or an authorized representative if responsible for the overall operation of the facility
- ◆ a general partner of a partnership
- ◆ the proprietor of a sole proprietorship
- ◆ the president or chairman of an unincorporated association, or
- ◆ the principal executive officer, ranking elected official or other authorized employee.

10. Are there any other forms that my facility must submit to MassDEP?

Yes. Each employer that is phased into the Rideshare Program must complete and submit to MassDEP one of the four *2005 Summary of Commute Data (SCD) Forms* that are located in the Rideshare Program Package. Employers must provide data on how their commuters commute to work on these forms. Choose the SCD Form that corresponds to your facility's data collection method and response rate. Read the heading at the top of each SCD Form to make sure you use and submit the correct form to MassDEP.

If you need further assistance...

- ◆ Contact the **Massachusetts Rideshare Program** at (617) 292-5663.
- ◆ Contact **MassRIDES** for free consultation services to develop and market commuter transportation services at **1-888-4COMMUTE** or **www.commute.com**.
- ◆ Check to see if there is a **Transportation Management Association (TMA)** or a **Transportation Management Initiative (TMI)** in your area. TMAs and TMIs are groups of employers that address local transportation problems. A group of employers in a TMA or TMI can usually accomplish more trip reductions than individual employers.